



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/069,387

04/11/2002

Moshe Brody

4075/OK306

3272

7590

06/13/2006

Patent Department
Macrovision Corporation
2830 De La Cruze Boulevard
Santa Clara, CA 95050

EXAMINER

DAVIS, ZACHARY A

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/069,387	Applicant(s) BRODY ET AL.	
	Examiner Zachary A. Davis	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A response was received on 21 March 2006. By this response, Claims 1 and 5-9 have been amended. Claim 10 has been canceled. New Claims 11-13 have been added. Claims 1-9 and 11-13 are currently pending in the present application.

Response to Arguments

2. Applicant's arguments with respect to claims 1-9 and 11-13 have been considered but are moot in view of the new ground(s) of rejection.

Double Patenting

3. The double patenting rejections are withdrawn in light of the amendments to the claims.

Claim Objections

4. Claims 7 and 11 are objected to because of the following informalities:

In Claim 7, line 9, in the phrase "the error-correction codewords associated with the altered data symbol further comprises", it appears that "comprises" is intended to read "comprise".

Art Unit: 2137

Claim 11 does not end in a period. All claims must end with a period.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations “the audio signal” in line 8 and “the data symbols” in line 9. There is insufficient antecedent basis for these limitations in the claim.

Claims 5 and 6 recite the limitation “said error-correction codewords” in lines 1-2 of each claim. There is insufficient antecedent basis for this limitation in the claims, although it appears that this is intended to refer to the codewords recited in line 13 of Claim 1. Claims 5 and 6 also recite the limitation “said disabling the error-correction of said error-correction codewords” in lines 2-3 of each claim. There is insufficient antecedent basis for this limitation in the claims, although it appears that this is intended to refer to the disabling the error-correction of the erroneous symbols a recited in lines 12-14 of Claim 1.

Claim 7 recites the limitations “the audio signal” in line 7, “the error-correction codewords” in line 9, “the altered data symbol” in line 9, and “the disabled error-

Art Unit: 2137

correction codeword” in line 10. There is insufficient antecedent basis for these limitations in the claim.

Claims 8 and 9 recite the limitation “said altered data symbols” in line 2 of each claim. Although Claim 7 recites a singular altered data symbol, it does not recite plural altered data symbols, and therefore there is insufficient antecedent basis for the limitation in the claims. Claims 8 and 9 also recite the limitation “said at least one erroneous data symbol representing latent noise” in lines 2-3 of each claim. Although there is reference to at least one erroneous data symbol in Claim 7, the claim does not recite that the at least one symbol represents latent noise. Therefore there is insufficient antecedent basis for the limitation in the claims.

Claim 11 recites the limitation “said altered data symbol” in line 3. There is insufficient antecedent basis for this limitation in the claims.

Claim 12 also recites the limitation “said altered data symbol” in line 2. There is insufficient antecedent basis for this limitation in the claims. Claim 12 also recites the limitation “the error-correction codeword” in line 2; it is not clear to which of the error-correction codewords in Claim 5 this refers. Claim 12 further recites the limitations “the C1 error-correction codeword” in line 3 and “the C2 codewords” in line 5. There is insufficient antecedent basis for these limitations in the claims. The claim additionally recites the limitation “the altered plurality of data symbols” in line 6. It is not clear whether this is intended to refer to the plurality of data symbols altered in line 3 or the plurality of data symbols altered in line 5. The claim further recites the limitation “the altered C2 codewords” in line 8. There is insufficient antecedent basis for this limitation

Art Unit: 2137

in the claims; however, it appears that this is intended to refer to the altered plurality of data symbols in the C2 codewords.

Claim 13 also recites the limitations "the C1 error-correction codeword" in line 3 and "the C2 codewords" in line 5. There is insufficient antecedent basis for these limitations in the claims. The claim further recites the limitation "the altered plurality of data symbols" in line 6. It is not clear whether this is intended to refer to the plurality of data symbols altered in line 3 or the plurality of data symbols altered in line 5. The claim additionally recites the limitation "the altered C2 codewords" in line 8. There is insufficient antecedent basis for this limitation in the claims; however, it appears that this is intended to refer to the altered plurality of data symbols in the C2 codewords.

Claims not specifically referred to above are rejected due to their dependence on a rejected base claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-9 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Siquin et al, US Patent 6425098 (cited in the previous Office action).

In reference to Claim 1, Siquin discloses a method for producing a copy-protected CD including selecting a data sample, locating the symbols representing the sample (column 9, lines 11-14), overwriting the symbol with erroneous symbols (column 9, lines 46-48), and disabling error correction of the erroneous symbols by altering additional symbols (column 10, lines 60-column 11, line 33; see also column 3, line 58-column 4, line 9).

In reference to Claim 2, Siquin further discloses that the sample is a concealable audio sample corresponding to linear interpolation of previous and subsequent samples (see column 9, lines 16-46; column 9, line 46-column 10, line 5).

In reference to Claims 3 and 11, Siquin further discloses that the erroneous symbols are superimposed or overwritten (column 8, lines 45-53; column 9, lines 46-48).

In reference to Claim 4, Siquin further discloses selecting at least one sample from a sector in a group of sectors (column 9, lines 11-14).

In reference to Claims 5, 6, and 12, Siquin further discloses that disabling the error correction further includes overwriting data symbols with an arbitrary erroneous symbol or erasure (column 10, line 60-column 11, line 19).

Claims 7-9 and 13 are apparatus claims corresponding substantially to the methods of Claims 1, 5, 6, and 12, respectively, and are rejected by a similar rationale.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Matsumoto et al, US Patent 6320829, discloses a system for copy control of optical discs that includes adding intentional error information to the data.
- b. Newman, US Patent 6353890, discloses a method for copy protecting an optical disc that includes a pattern of uncorrectable errors.
- c. Carson et al, US Patent 6715122, discloses copy protection through symbol substitution and induced errors, where uncorrectable errors are intentionally written to error correction codes. The Examiner notes that this reference does not constitute prior art to the present application, but has been included for the sake of completeness.
- d. Kuroda et al, US Patent 6792538, discloses a method in which portions of error correction code are replaced in order to prevent illegal copying.
- e. Furukawa et al, US Patent 7058977, discloses systems for copyright control of optical discs that introduce intentional errors such that the errors are not corrected by an error correction code. The Examiner notes that this reference does not constitute prior art to the present application, but has been included for the sake of completeness.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary A. Davis whose telephone number is (571) 272-3870. The examiner can normally be reached on weekdays 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ZAD
zad


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER